

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO FIERRO-PONCE,

Defendant.

CASE NO. CR20-0092-JCC-12

ORDER

This matter comes before the Court on Defendant's motion for compassionate release (Dkt. No. 1090) and the Government's motion to seal an exhibit to its response brief (Dkt. No. 1097). Having thoroughly considered the briefing and relevant record, the Court hereby DENIES Defendant's motion (Dkt. No. 1090) and GRANTS the Government's motion (Dkt. No. 1097) for the reasons explained herein.

Defendant is serving a 96-month custodial sentence for Conspiracy to Distribute Controlled Substances. (Dkt. No. 930.) Through a boilerplate form filing, he moves for a reduction in sentence, suggesting the COVID-19 conditions at FCI-Sheridan represent extraordinary and compelling circumstances warranting a reduction in sentence pursuant to 18 U.S.C. 3582(c)(1)(A). (Dkt. No. 1090.) For the same reasons sister courts have denied a similar

1 boilerplate motion,¹ this Court DENIES the instant motion. The Court adopts their reasoning
2 here.

3 Separately, the Government moves to maintain under seal certain medical records
4 attached as an exhibit to its response brief. (*See* Dkt. No. 1097.) While the public has a common
5 law right to inspect and copy public records, including those from judicial proceedings, these
6 rights are not absolute. They must yield when (1) sealing a document serves a compelling
7 interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there
8 are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d
9 991, 998 (9th Cir. 2017). Such is the case here. Therefore, the Court finds good cause to maintain
10 this record under seal. The Government's motion to seal (Dkt. No. 1097) is GRANTED. The
11 Clerk is DIRECTED to maintain Docket Number 1098 under seal.

12 It is so ORDERED this 22nd day of September 2023. The Clerk is further DIRECTED to
13 mail a copy of this order to Defendant.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

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¹ *See, e.g., U.S. v. Hernandez-Hernandez*, 2023 WL 5977159, slip op. (W.D. Wash. 2023); *U.S. v. Slaughter*, 2023 WL 5609339, slip op. (W.D. Wash. 2023).